Small Business Regulatory Fairness Board
Small Business Impact Statement

Date: June 3, 2016

Rule Number(s):

10 CSR 26-2.010	Applicability
10 CSR 26-2.011	Interim Prohibition for Deferred Underground Storage Tank Systems
10 CSR 26-2.012	Definitions
10 CSR 26-2.013	UST Systems with Field-Constructed Tanks and Airport Hydrant Fuel Distribution Systems (New Rule)
10 CSR 26-2.019	New Installation Requirements
10 CSR 26-2.020	Performance Standards for New Underground Storage Tank Systems
10 CSR 26-2.021	Upgrading of Existing Underground Storage Tanks Systems
10 CSR 26-2.022	Notification Requirements
10 CSR 26-2.030	Spill and Overfill Control
10 CSR 26-2.031	Operation and Maintenance of Corrosion Protection
10 CSR 26-2.032	Compatibility
10 CSR 26-2.033	Repairs
10 CSR 26-2.034	Reporting and Record Keeping
10 CSR 26-2.035	Testing of Containment Sumps (New Rule)
10 CSR 26-2.036	Operation and Maintenance Walkthrough Inspections (New Rule)
10 CSR 26-2.040	General Requirements for Release Detection for All Underground Storage Tank Systems
10 CSR 26-2.041	Requirements for Petroleum Underground Storage Tank Systems
10 CSR 26-2.042	Requirements for Hazardous Substance Underground Storage Tanks Systems
10 CSR 26-2.043	Methods of Release Detection for Tanks

10 CSR 26-2.044 Methods of Release Detection for Piping

10 CSR 26-2.045 Release Detection Record Keeping (Amendment – moves to 2.048)

10 CSR 26-2.046 Alternative Methods of Release Detection for Field-Constructed Tanks (New Rule)

10 CSR 26-2.047 Alternative Methods of Release Detection for Bulk Piping (New Rule)

10 CSR 26-2.050 Reporting of Suspected Releases

10 CSR 26-2.052 Release Investigation and Confirmation Steps

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Please describe the methods your agency considered or used to reduce the impact on small businesses.

Certain portions of these proposed rules reduce the impact on small businesses by giving owners or operators of underground storage tanks, some of whom are small businesses, additional time and flexibility to comply with requirements that have already been established in federal regulations. The additional time and flexibility provided in the state regulations will reduce the impact on these small businesses by giving them more time to comply with some new requirements and the additional time will make it easier to make the required changes to their tank systems.

As an example, the U.S. Environmental Protection Agency's (EPA's) federal rule changes included modifications to the vapor and groundwater monitoring methods. Sites that want to continue to use these methods would need to document that their wells are installed in accordance with a current, approved installation guidance for vapor and groundwater monitoring, the wells are properly built, the current background readings (a site assessment), and have all of the documentation certified by a registered geologist or a professional engineer.

Of the over 3,200 Underground Storage Tanks (UST) in use at facilities in the state, 20 or less still use groundwater monitoring for their UST system monitoring; while 42 sites or less still use

vapor monitoring to check for leaks in their UST systems. The EPA's proposed rule changes are extremely costly and owners must comply by October 13, 2018. The Department is proposing eliminate these methods, but is giving owners more time, until July 1, 2020, to comply.

The cost associated with complying with the EPA's new rule is significant. The cost to sign up for a contract to conduct statistical inventory reconciliation (SIR), an acceptable method, and conduct this method for a year include a $50 site set up fee and a $130 per tank annual fee. With the cost of compliance with the federal regulation for vapor or groundwater monitoring approximately $14,000 - $16,000 and the cost to sign up for SIR service for a site with three (3) tanks for five (5) years at approximately $2,000, compliance with the Department's proposal is significantly less expensive than the cost to comply with the new federal requirement.

The primary effect of this group of proposed amendments and additions is to update the state regulations for underground storage tanks to incorporate the recently promulgated federal regulations on which they are based. In the UST program, Missouri has "State Program Approval" (SPA); which means that, once the EPA granted SPA, the state UST rules are the only UST rules effective in the state, not the federal UST rules. Owners and operators need not comply with two different sets of potentially overlapping UST regulations. To obtain SPA, states must demonstrate that their UST rules are equitable to the federal UST regulations. States must submit a revision for their updated SPA, though, documenting that they have included the new federal requirements, or equitable requirements, in accordance with the federal SPA regulations.

If the Department does not promulgate the federal regulations, the Department cannot apply for the Revision of the State Program Approval (SPA). As such, the EPA would follow the procedures for the Withdrawal of Approval of State Program and the EPA regulations would become effective in Missouri as written in the federal regulations.

One of the most significant ways the Department modified the federal regulations to attempt to help small businesses was to extend all of the federal compliance dates by at least one year. The compliance dates were extended for testing of spill basins, overfill prevention devices, release detection equipment, as well as the date of the first monthly and annual walkthrough inspections. The extended time to comply will allow owners more time to determine the most cost-effective options. The Department has also created options where the federal regulations only allowed one option, like in the interior lining systems options and interior lining testing options. In addition, the Department did not require testing of existing containment sumps, which the federal regulations may have applied to some current containment sumps.

If the Department does not act, federal compliance dates will be effective and more stringent regulations will be in effect. In addition, the more stringent language found in the federal regulations would be in effect if the state does not promulgate the following two state regulations:

Upgrading of Existing Underground Storage Tanks Systems – 10 CSR 26-2.021:

If an interior lining failed an inspection and could not be repaired, there would be no option but permanent closure. This would be a very expensive option ($15,000-$20,000 or more per tank). With the state proposal, closure is always an option, but the proposed regulation provides other options as well.

Requirements for Petroleum Underground Storage Tank Systems – 10 CSR 26-2.041

If the state specific proposal is not implemented, owners and operators will have to comply with expensive and complex federal requirements to continue to use groundwater and vapor monitoring. The EPA's federal rule changes included modifications to the requirements for vapor and groundwater monitoring methods. Sites that want to continue to use these methods would need to document that their wells are installed in accordance with a current, approved installation guidance for vapor and groundwater monitoring, the wells are properly built, the current background readings (a site assessment), and have all of the documentation certified by a registered geologist or a professional engineer. These requirements would also go into effect on October 13, 2018, instead of Missouri's date of July 1, 2020.

This rule affects underground storage tank owners and operators. As such, they are the ones most likely to bear the cost of compliance. While UST owners and operators will benefit from compliance with the rule through a reduction in leaks and the cost associated with addressing leaks, all citizens of Missouri benefit from a potential reduction in the number of leaks from regulated UST systems. Missouri USTs are in every county and in almost every community in the state. They are found at gas stations, hospitals and nursing homes, fleet and trucking facilities, state and local government facilities and more.

In addition, the proposed changes will have a positive impact on tank contractors and tank equipment suppliers as tank owners and operators implement the required changes to their tanks and systems.

The genesis of this rulemaking is that the EPA published new UST regulations on July 15, 2015, to meet the requirements of the 2005 Energy Policy Act UST requirements. The revisions strengthen the 1988 federal UST regulations by increasing emphasis on properly operating and maintaining UST equipment. The revisions will help prevent and detect UST releases, which are a leading source of groundwater contamination. The changes include:

- Adding secondary containment requirements for new and replaced tanks and piping
- Adding operator training requirements
- Adding periodic operation and maintenance requirements for UST systems
- Adding requirements to ensure UST system compatibility before storing certain biofuel blends
- Removing past deferrals for emergency generator tanks, airport hydrant systems, and field-constructed tanks
- Updating codes of practice
- Making editorial and technical corrections

While most of the proposed amendments and additions are a direct result of the federal regulation changes, which are being incorporated into the state UST regulations with no changes, the Department is also proposing to modify some of the federal regulations, and also to propose new changes to the state regulations as well.

Multiple rules include a modification of the federal rule, but the modifications are not addressed in this Regulatory Impact Report (RIR) because the underlying requirement has already been established in the federal rule and the requirement itself does not change. Instead, the changes proposed either provide additional clarification on the intent or meaning of a specific portion of the federal rule or in some cases the federal rule language is modified to establish a later date of implementation for a specific requirement than the date established in the federal rule. In either case, whether the state regulation provides additional clarification on the meaning or intent of the federal rule or establishes a later implementation date, the requirement is established in the federal rule and the state modifications do not change the substance of the requirement so the impact of the associated requirement is not addressed in this report.

The state-specific proposals include changes to the new installation regulations, clarification to the cathodic protection regulations pertaining to piping, proposing to sunset antiquated methods rather than incorporating the EPA's costly overhaul to the methods, organizational regulation changes, and rules for lined tanks that are an alternative to the language promulgated by the EPA. For these rule changes, some of the questions in this RIR include a rule-specific section that provides the requested information for individual rules. The additional information can be found under each question under the following rule titles and associated rule numbers:

- *New Installation Requirements – 10 CSR 26-2.019*
- *Performance Standards for New Underground Storage Tanks Systems – 10 CSR 26-2.020*
- *Upgrading of Existing Underground Storage Tanks Systems – 10 CSR 26-2.021*
- *Spill and Overfill Control – 10 CSR 26-2.030*
- *Requirements for Petroleum Underground Storage Tank Systems – 10 CSR 26-2.041*
- *Methods of Release Detection for Tanks – 10 CSR 26-2.043.*
- *Operation and Maintenance of Corrosion Protection – 10 CSR 26-2.031*
- *Definitions – 10 CSR 26-2.012.*

The information below provides a brief overview of the nature of each of these proposed state rule changes.

New Installation Requirements – 10 CSR 26-2.019

The Department has proposed a change that would reduce the notification time for the installation of UST systems from 30 days to 14 days, and require installation notifications for piping installations. The Department is also proposing to require new marinas to comply with the Petroleum Equipment Institute's Recommended Practice 1000-2009, Recommended Practices for the Installation of Marina Fueling Systems.

The Department is also adding an option for post-installation tightness testing. Currently the regulation only provides one option for testing the tank after installation, a tank tightness test.

The proposed regulation will add a second option, testing the tank using the automatic tank gauge with the tank 95% full.

The final proposed change in this regulation is to require all new tanks be tied down at the time of installation.

Performance Standards for New Underground Storage Tanks Systems – 10 CSR 26-2.020

The Department is proposing a change that will prevent the installation of metal piping outside of a containment sump with the exception of replacement of flexible connectors.

The second proposed change in this rule is the deletion of an option to install a metal UST without the addition of cathodic protection if a corrosion expert can document that the site is not corrosive enough to damage the UST system.

Upgrading of Existing Underground Storage Tanks Systems – 10 CSR 26-2.021

The Department is proposing changes to old, lined tanks that are typically beyond their warranty and life-expectancy. These regulations are being changed to ensure that these tanks are being inspected and repaired in a way that confirms that they remain leak-free as long as they are operational. The EPA's UST regulation changes included modifications to the interior lining regulations. Specifically, their regulations require interior lined tanks be closed/replaced if the interior lining fails. The Department has proposed alternative requirements for interior linings, including:

(1) Linings must meet the new UL 1856 installation standard,
(2) Technicians must be certified (technicians must be certified to do work in almost every other aspect of UST service),
(3) Documentation must include photographs,
(4) An additional, less costly inspection option,
(5) A new technology that allows repair of a lined tank that might otherwise, under the federal regulations, have to be closed.

The Department found options to the federal regulations that only allowed interior lined tanks to a) pass inspection, b) be repaired or c) be closed. Owners and operators wanted to be able to document that tanks that were still functioning could be re-lined. Owners, operators and lining companies also wanted to incorporate the new lining options and equipment, including the potential paperwork-easy, time-reduced, less expensive, much safer option of monitoring an interstice rather than sending a person into the confined space of a lined tank to inspect. To allow these options, though, Missouri had to create an entire interior lining rule package that was just as protective as EPA's new rule. Missouri added options that EPA lacked.

Spill and Overfill Control – 10 CSR 26-2.030

The Department proposed a change that would limit temporary repairs to spill basins. Spill basins must be leak tight and prevent releases to the environment. To this end, spill basins must be maintained and repaired to continue to prevent releases.

Requirements for Petroleum Underground Storage Tank Systems – 10 CSR 26-2.041

The Department has proposed eliminating two antiquated release detection methods, groundwater and vapor monitoring. These leak detection methods function by detecting product in water or soil around the tank system up to 30 days after the leak occurs. These methods can be hindered by water, rainwater or low and high water tables, which are often a problem around Missouri. These methods can have false alarms any time there is a surface spill, nozzle leak or other incident. The alternative methods of leak detection available are more precise, more accurate, less prone to failure, often quicker to provide an alarm to the owner and, therefore, more protective of the environment.

Methods of Release Detection for Tanks – 10 CSR 26-2.043

The Department has proposed a single state-specific change within this rule. The change would require new interstitial monitoring systems installed after July 1, 2017 (double-walled systems required by 10 CSR 26-2.020 or 10 CSR 26-2.021, and interstitial monitoring required by 10 CSR 26-2.041) to be monitored electronically and with a system equipped with a report-generating capability.

Operation and Maintenance of Corrosion Protection – 10 CSR 26-2.031

The only state-specific change in this rule is a clarification. In 2011, the rule was amended to include requirements for cathodically protected UST systems, including piping, which remain unprotected for more than 90 days. As that language did not clearly address piping, the proposed rule will specifically outline the requirement for piping. The Department does not consider this a change though, simply a clarification. The remaining rule modifications include only changes that are designed to incorporate the new federal EPA regulation changes. As these changes include provisions from already existing Missouri statutes and the EPA federal regulations, as explained above, we do not believe an RIR is required for this proposed regulation.

Definitions – 10 CSR 26-2.012

The definition regulation changes include the addition of Missouri statutory definitions to the rule, as well as adding federal definitions to include the updates in the 2015 EPA regulation changes. The definition changes also include the addition of many definitions from the federal regulations that were previously incorporated by reference. Although these federal definitions were not amended by the 2015 EPA rule change, the proposed amendment will add these regulations to the state rule so that all applicable definitions can be found in one place. The Department wanted to create a "Definition" rule that would include the previously "incorporated by reference" definitions, statutory definitions, as well as the new EPA changes. To provide clarity, though, some of the federal definitions have been edited with language that was added to the operational rules in 2011. Some of the statutory definitions were enhanced with federal definition language, for consistency and clarity. We did not change the content or intent of the definitions included in this rule.

Inaction for the state specific proposals would mean:

New Installation Requirements – 10 CSR 26-2.019: Failure to implement this rule would leave longer new installation notification times and more stringent, costly post-installation testing requirements than are currently in the regulations. Failure to implement a notification of piping requirement would have some piping installations that have no Department oversight. As noted above, installation errors are included in the top 2 causes of modern leaks and; therefore, install inspections may be one of the most effective ways to help prevent environmental damages. In addition, the 30 new installation notification requirements would remain in effect, rather than the shortened, 14 proposed notifications.

In addition, the Department's UST federal grants are contingent upon Missouri's compliance with the Energy Policy Act of 2005 and other grant conditions. Failure to promulgate secondary containment requirements, which are included in this rule package, could lead to partial or full grant withholding.

Please explain how your agency has involved small businesses in the development of the proposed rule.

The Department used the e-mail service of the Missouri Petroleum Storage Tank Insurance Fund (PSTIF), which includes most small business tank owners in Missouri; along with member information from the Missouri Petroleum Marketers and Convenience Store Association (MPCA), a lobby group representing petroleum marketers, including small business owners; as well as our own e-mail service to notify all owners, including small business owners, of the proposed changes and potential impacts for these businesses. We presented this information to both the PSTIF and MPCA at their Advisory Committee meetings, Board meetings, the annual MPCA trade show and other events.

In addition, the Department worked with contractors to provide training on the rules in St. Louis and Columbia. Training was also offered at the Lake of the Ozarks during an environmental conference twice. All of these training events explained the proposed rules and invited comments and input on the proposed rules. The rules have been repeatedly changed based on stakeholder input over the last two years.

In addition, the proposed amended rules will be made available for public comment after they are filed with the Secretary of State's Office. Small businesses can take advantage of that public comment period to provide the Department with comments regarding the proposed amendments.

Please list the probable monetary costs and benefits to your agency and any other agency affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

As most of these proposed changes are cleanups and clarifications and, therefore, do not affect the procedures of the Department or the regulated community, the cost impact to the Department and other agencies should be negligible. For the financial responsibility requirements, oversight costs for the Department should be negligible as we already require this documentation for active petroleum UST facilities.

For the changes to installer regulation, 10 CSR 26-2.019, the cost burden to the Department will involve tracking a few more installation notices, but very few as most piping installation notices are already provided as "courtesy" notices. As we already track notices, this cost is negligible. There will be no cost to the Department to address the tie-down requirement, as we currently have to review justification documentation and track these sites. In the future, these will be simpler to handle and no waivers to review.

The PSTIF insures most of the sites to which the rule applies. Therefore, PSTIF will potentially bear costs to comply with the amended rules for many UST facilities, but most of the requirements are federal mandates, not state proposed changes.

For 10 CSR 26-2.021, the interior lining requirements have some additional documentation requirements, but only one contractor indicated that he does not already provide this documentation for every site (provides it for some sites). He noted that it would only add one side of one page per tank. As such, for the average site, it would only add two pages. This additional documentation, added to reports already being maintained, seems minor, as all of the other interior lining companies already maintain and submit this documentation. Please note, though, that the state documentation options being proposed have an option that significantly reduces documentation (can use release detection records as interior lining report). So the overall documentation submittal associated with this rule is probably no increase or decrease for the state agencies.

The proposed rule changes do not impose additional fees.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Installation requirements – 10 CSR 26-2.019

The short-term consequences of the proposed change require tie-down of tanks at tank installation increase the cost of the installation at a small number of installations. Please note, though, that the increase, as a percentage of the overall cost of a new site installation is small (likely less than a 1% increase- more often less than 1% of the budget). Long-term, site owners, city representatives, and the Department will have fewer floating tanks to address during floods, with empty sites, and at abandoned properties. Floating tanks are always a problem as they can leak, cause fire and safety hazards, leave open pits, and are a general nuisance. The ease with which this problem can be addressed at install is significant compared to the problems caused when a tank floats.

Upgraded Underground Storage Tank Systems – 10 CSR 26-2.021

The Department found options to the federal regulations that only allowed interior lined tanks to a) pass inspection, b) be repaired or c) be closed. Owners and operators wanted to be able to document that tanks that were still functioning could be re-lined. Owners, operators and lining companies also wanted to incorporate the new lining options and equipment, including the potential paperwork-easy, time-reduced, less expensive, much safer option of monitoring an interstice rather than sending a person into the confined space of a lined tank to inspect. To

allow these options, though, Missouri had to create an entire interior lining rule package that was just as protective as EPA's new rule. Depending on the option selected, interior lining technicians may require certification and additional documentation. But, owners and operators have more options for compliance. Also, depending on the options they choose, they may have a higher upfront cost, but less documentation and easier compliance in the future. They may opt for a cheaper option but have to retain some additional documentation. For some systems, Missouri's regulations may offer ways to allow them to continue using their tank systems that the federal regulations would not have offered.

Please list direct and indirect costs (in dollar amounts) associated with compliance.

The rulemaking focuses primarily on incorporating the federal regulations into the state regulations. The costs for the state proposals are outlined below:

Upgraded Underground Storage Tank Systems – 10 CSR 26-2.021

The Department is proposing changes to old, lined tanks that are typically beyond their warranty and life-expectancy. These regulations are being changed to ensure that these tanks are being inspected and repaired in a way that confirms that they remain leak-free as long as they are operational. EPA's UST regulation changes include modifications to the interior lining regulations. Specifically, their regulations require interior lined tanks be closed/replaced if the interior lining fails. The Department's proposed alternative requirements for interior linings, include:

(1) Linings must meet the new UL 1856 installation standard,
(2) Technicians must be certified (technicians must be certified to do work in almost every other aspect of UST service),
(3) Documentation must include photographs,
(4) An additional, less costly inspection option,
(5) A new technology that allows repair of a lined tank that might otherwise, under the federal regulations, have to be closed.

While pieces of this regulation may be more costly than the new regulation, the proposed interior lining rule must be considered in its entirety as an alternative to the EPA federal regulation, including the closure requirement.

Furthermore, the Department is only aware of four companies that conduct interior lining installation and repair work in Missouri. Of those four companies, three of them already comply or are in the process of complying with the proposed regulations. As such, the proposed regulations have no associated increased costs to three of the four (including the two predominant companies) in Missouri. As the cost to permanently close a tank can be around $15,000-$20,000, the cost for the alternative interior lining rule package, which includes more detailed interior lining requirements, but doesn't require permanent closure in the event of a failure, is a less costly requirement than the federal version of the same rule package.

The one contractor that does not already meet the proposed regulations indicated that it would cost approximately $8,000 total to comply with the training and certification requirements. This

is a one-time cost, which we assume will be passed down to the tank owners (split between privately public owners). He indicated that he believed his product is already tested to be certified under UL1856; as such, there would be no additional costs to comply with this requirement for his company.

As for the additional documentation requirements, he indicated that he already does the additional documentation at some of the sites where he conducts interior lining inspections and installations. According to state records, he conducted approximately 13% of the interior lining inspections and installation; and as he already complies with the additional documentation requirements at some of his sites, the Department used 10% of the lined tanks requiring additional documentation for the purposes of this RIR. The company that would need the additional documentation indicated that this would likely cost around $250 per *facility* report. As we have about 900 active lined steel tanks at approximately 355 facilities, this would leave approximately 35 lined tank facilities that would need additional documentation for the lining inspections and installations. With an expected 36 facilities needing additional documentation, costing $250 per facility report, we expect a total cost every five years (the interior lining inspection cycle) of $9,000, so the average *annual* cost is $1,800.

Please note, the federal alternative would likely require permanent closure of some of these tanks, which could cost $15,000-$20,000 per tank.

Also included in this proposed rule is an additional, alternative interior lining inspection option. Some facilities opt to use interstitial monitoring to comply with tank release detection requirements. This monitoring could be used to meet the interior lining inspection. If a site is using interstitial monitoring, the Department could accept 12 months of interstitial monitoring records in lieu of the standard interior lining inspection. As an interior lining inspection can cost $2,000-$5,000 per tank, this is a potential significant cost savings per lined tank.

Based on our data, it appears that 93% of the sites are privately owned; therefore, we anticipate a cost of $8,370 every 5 years (or $1,674 annually) and a one-time cost split between all lined-tank owners of $7,440. Please note, of the lined tank owners, though, we estimate that less than 40% of them are small business owners. As such, the small business impact is $3,348 every 5 years (or $669.6 annually), with an additional one-time cost split between the small business owners of $2,976.

Installation requirements – 10 CSR 26-2.019

The Department is proposing to require installation notifications for piping installations. Currently the regulation requires notification for new tank system installations only. When discussed during stakeholder meetings, most stakeholders thought that this was already required or felt most situations in which piping is currently being replaced are situations in which the Department is already aware of the replacement (piping failures, leaks, other piping issues). The Department already receives 'courtesy notifications' on piping replacements. Installation problems are one of the top 2 causes of new leaks in Missouri. As such, oversight of installations is a significant way to prevent environmental contamination. Once the piping is installed, it is buried underground, making finding problems and potential leaks practically impossible. Identifying potential problems at installation is one of the most effective ways to

prevent future releases. The cost to notify the Department is minimal: 15 minutes to complete the form and email it to the Department. The information included is readily available. The requirements after the notification remain the same. As such, the cost for each notification for each piping install, of which there are fewer than 15 each year, is less than $25, with a combined annual total of less than $375.

Another proposed change is to require new marinas to comply with the Petroleum Equipment Institute's Recommended Practice 1000-2009, Recommended Practices for the Installation of Marina Fueling Systems. These tanks are in environmentally sensitive areas, where a leak would impact water ecosystems almost immediately. In addition, these systems are uniquely configured, with the tanks typically above the dispensers, which could allow the tank to be siphoned by the dispensers. These configurations can lead to significant leaks in environmentally sensitive areas. The Department has been recommending the use of this guidance document since its publication in 2009. The Missouri Department of Agriculture has been requiring compliance with almost all, if not all of its significant pieces as well. The Department is not aware of any marina UST installations that have not complied with this guidance document in the last four years. As such, we do not believe that compliance with this proposed change has a new cost associated with it, but do believe it will ensure clear requirements and environmental protection in the future.

The Department is also adding an option for post-installation tightness testing. Currently the regulations only provide one option for testing the tank after installation, a tank tightness test. The proposed regulation will add a second option, testing the tank using the automatic tank gauge with the tank 95% full. As this is a new, second option, it does not add a cost, but instead lowers the cost by creating a new, potentially less costly option for compliance.

The final proposed change in this regulation is to require all new tanks be tied down. In the last three years, we have typically seen less than 10% of the tanks that are not tied down at install. With an average of 155 new tanks installed each year, that means that typically 15 tanks are not tied down. These tanks can float, leak product, cause damage to the site, hinder property sales, cause safety issues, and be a general nuisance. Based on information from installation contractors, the cost of a contractor- manufactured tie-down system is approximately $2,000. Please note, though, that the costs to address tanks that float are much higher than $2,000 per tank. They must be removed and leaks addressed. In addition, a tank that has floated can pose a significant safety hazard: it juts out of the ground; they can be difficult to see; they may cause vehicular damage; there are often open holes associated with them.

Of the 386 tanks installed since January 1, 2014, 98% were privately owned, which means a total annual cost for private owners of approximately $29,767.50 annually for this proposal. Of those private owners installing tank systems in the last three years, we estimate that less than 20% of them were small business owners. As such, we estimate the annual small business cost to be $5,983.50 annually.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

The rules are applicable to owners, operators, and installers of underground storage tank systems. Most such systems are found at retail fueling stations, but they may also include hospitals and medical care facilities, fleet and trucking companies, and military installations. The primary type of business that is directly affected by and who will bear the cost and benefit of the rules is retail gas stations, but all of these may have some economic burden.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or federal, state, or county standards?
Yes X No

If yes, please explain the reason for imposing a more stringent standard.

The proposed regulations include requirements for containment sumps. In response to the Energy Policy Act of 2005, states had to either require secondary containment or financial responsibility for installers. While Missouri opted for the latter option, 48 of the states opted for the former option. As such, the proposed requirement for containment sumps, while new, has already been enacted in most other states in the country.

The proposed changes allowed additional options not offered by the originally proposed federal regulations for lined tanks. For new installations, the proposed requirements attempt to address the issue of tanks floating in Missouri when they are most easily addressed: at installation. When tanks float during floods, or at out of use sites, they pose significant environmental and safety hazards. The likelihood of floating is significantly reduced when the tank is properly secured at installation. Also, simply requiring all tanks to be secured reduces the review time for the installation team prior to the installation.

Requiring notification prior to the installation of piping ensures that Department inspectors may be present during the installation of the piping, that manufacturer's installation guidelines are followed, and that no problems are noted at the key installation steps. Most piping installations currently provide a "courtesy" notification.